

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TOWANDA JEFFERSON,

Plaintiff,

v.

Case No. 09-CV-953

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

On October 2, 2009, plaintiff Towanda Jefferson (“Jefferson”) filed a complaint seeking judicial review of a decision by the Commissioner of the Social Security Administration denying her application for Supplemental Security Income disability benefits. In connection with her complaint, Jefferson also filed a motion for leave to proceed *in forma pauperis* (IFP). The court finds that Jefferson fulfills the requirements to proceed IFP and will grant her motion.

The federal *in forma pauperis* statute, 28 U.S.C. § 1915, is designed to ensure indigent litigants meaningful access to the federal courts. *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). To authorize a litigant to proceed *in forma pauperis*, the court must first determine that the litigant is unable to pay the costs of commencing the action. 28 U.S.C. § 1915(a). Second, the court must determine that the action is neither frivolous nor malicious, does not fail to state a claim, and does not seek money damages against a defendant immune from such relief. 28 U.S.C. § 1915(e)(2). In making the latter determination, the court must give a *pro se*

plaintiff's allegations, "however inartfully pleaded," a liberal construction. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

Jefferson submits an affidavit in which she declares under penalty of perjury that she is currently unemployed and provides for two dependent children. Jefferson attests that she receives \$628.00 in welfare per month, \$419.00 in food stamps, and nominal child support of \$66.00 every four weeks for one of her children. However, these forms of income barely exceed her monthly expenses. Based upon this information, the court determines that Jefferson is unable to pay the costs of commencing this action.

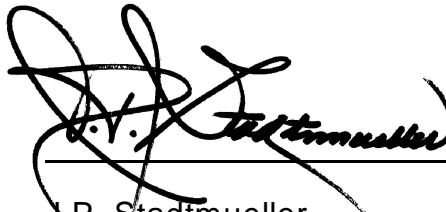
Liberalizing construing the plaintiff's allegations, the court also finds that the action is neither frivolous nor malicious, does not fail to state a claim, and does not seek money damages against a defendant immune from such relief. The court will, therefore, grant the plaintiff's motion for leave to proceed IFP.

Accordingly,

IT IS ORDERED that the plaintiff's motion for leave to proceed in forma pauperis (Docket #2) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 27th day of October, 2009.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge